

# **EXHIBIT 90**

To: Elizabeth Campbell  
Assistant General Counsel  
AmerisourceBergen Corporation

January 21, 2014

From: Michael Mapes  
CSRA Consultant

Copy: Chris Zimmerman  
Steve Mays  
Ed Hazewski

Attorney/Client Privileged Communication

Review of  
Bernie's Pharmacy  
Anchorage, Alaska  
January 16, 2014

On January 16, 2014, Michael Mapes, DEA Consultant for AmerisourceBergen, visited Bernie's Pharmacy, 4100 Lake Otis Parkway, Suite 200, Anchorage, Alaska 99508. The purpose of the visit was to determine the level of compliance with controlled substance regulations and best practices at the pharmacy. Bernie's Pharmacy is a large volume purchaser of several controlled substance products from ABC. No prescriptions were checked as part of the review due to lack of a HIPAA agreement.

Bernie's Pharmacy is located in a medical building within the City of Anchorage, AK. The medical building also houses Orthopedic Physicians Anchorage, Lake Otis Urgent Care, Lake Otis Primary Care Associates, Alaska Surgery Center, US Health Works Occupational Medicine, Alaska Foot & Ankle Specialists, and the AA Spine and Pain Clinic. Additionally there are several other medical practices in the area of Bernie's Pharmacy, as well as 42 other pharmacies within five miles of zip code 99508.

James Manners, the General Manager of Bernie's Pharmacy provided the majority of the information concerning the pharmacy operations, along with Monica Klouda, who is the PIC for Bernie's Pharmacy. Bernie's Pharmacy employs three full time pharmacists, two part time pharmacists, along with fourteen pharmacy technicians.

Bernie's Pharmacy is open Monday - Friday from 9:00AM to 6:00PM and on Saturday from 10:00Am to 2:00PM. Bernie's Pharmacy fills approximately 8,200 prescriptions a month, of which approximately 3,100 are filled for controlled substances. Bernie's Pharmacy compounds to fill prescriptions for hormone replacement therapy.

Michael Mapes, 6285 Lehman Drive, Colorado Springs, CO 80918  
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Mr. Manners advised that Bernie's Pharmacy fills many prescriptions for the AA Spine and Pain Clinic for oxycodone, hydrocodone, morphine, and methadone. They also fill a few prescriptions for fentanyl patches from the AA Spine and Pain Clinic.

Bernie's Pharmacy advised that they check the DEA registration of the prescribers for whom they fill prescriptions by checking the DEA registration verification website. Neither Mr. Manners nor the PIC was aware that the DEA registration for the prescriber they listed on the ABC Form CSRA-590 as the top prescribing physician was not valid in all DEA schedules. Mr. Manners advised that their pharmacy computer system, HBS does not have the capability of noting that a specific prescriber is not registered in all schedules with DEA.

When Mr. Manners was asked to provide a copy of the policies and procedures regarding the filling of prescriptions described in the CSRA Form-590, question 27, he advised that Bernie's Pharmacy has policies and procedures, but that he does not know where the policies and procedures are kept. The PIC Monica Klouda, also did not know the location of the policies and procedures. Mr. Manners was asked to provide a copy of the policies and procedures when they were located.

Concerning the Alaska Prescription Drug Monitoring Program (PDMP), Mr. Manners advised that Bernie's Pharmacy provides data to the PDMP as required but that they do not check the PDMP prior to filling prescriptions for controlled substances. Mr. Manners advised that they rely on the third party payers to monitor controlled substance use by patients. When asked what the pharmacy does to monitor controlled substance prescriptions paid for with cash, Mr. Manners advised that cash prescriptions are closely scrutinized.

Mr. Manners advised that Bernie's Pharmacy verifies prescriptions with the prescriber if something about the prescription seems unusual or different from the normal patterns of the prescriber. Any verification of a prescription is noted on the hard copy of the prescription.

In the case of a fraudulent prescription, Bernie's Pharmacy notifies the prescriber of the situation. Bernie's Pharmacy does not notify local law enforcement of fraudulent prescriptions because law enforcement is "not interested."

Mr. Manners advised that the AA Spine and Pain Clinic uses pain contracts with their patients, performs drug testing, but does not limit their patients to specific pharmacies due to the difficulty of some pharmacies obtaining some controlled substances on a regular basis. Bernie's Pharmacy does not have specific information about the pain contracts or the drug testing procedures.

Approximately 95% of Bernie's Pharmacy prescriptions are filled and handed to the patient. In some instances prescriptions are sent to the patient via the USPS. When the prescription is mailed, the patient signature is required to acknowledge receipt of the prescription.

Michael Mapes, 6285 Lehman Drive, Colorado Springs, CO 80918  
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Mr. Manners advised that when controlled substance orders are received from ABC, the orders are checked against the invoice and the receipt is noted on the invoice or packing list that is included with the shipment from ABC. The orders received from ABC have been complete and accurate. The orders for schedule II controlled substances are also received in the CSOS computer system by the RPh or technician who checks the order in at the pharmacy. Each of the pharmacists and technicians who is authorized to check in CSOS orders has their individual CSOS digital certificates, which are never shared with others at Bernie's Pharmacy.

At the conclusion of the review, Michael Mapes recommended the following:

Bernie's Pharmacy look more closely at the DEA registration numbers of prescribers for whom they fill controlled substance prescriptions.

Bernie's Pharmacy update their policies and procedures and make them available to all of the pharmacists and technicians working at the store.

Bernie's Pharmacy check the Alaska PDMP before filling prescriptions for controlled substances to see if the patients are filling prescriptions for like drugs at other pharmacies or are receiving prescriptions from more than one prescriber.

Bernie's Pharmacy communicate more with the prescribers for whom they fill prescriptions to better understand the requirements that the prescribers have in their pain contracts for patients.

Michael Mapes, 6285 Lehman Drive, Colorado Springs, CO 80918  
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